

**From:** [Lee Juan Tyler](#)  
**To:** [ricke@cforjustice.org](mailto:ricke@cforjustice.org); [Christy Belanger](#); [Woods, Jim](#); [Thomas, Sally](#); [Allnutt, David](#); [Baca, Andrew](#); [Mccarthy, Gina](#); [McLerran, Dennis](#); [McLerran, Dennis](#); [Billy Maines](#)  
**Cc:** [Ladd R. Edmo](#); [Kelly Wright](#); [Lee Juan Tyler](#)  
**Subject:** Fwd: Hazardous Waste Shipment  
**Date:** Tuesday, March 29, 2016 5:36:31 PM

---

FYI we got FMC doing bad activities again

Sent from my iPhone

Begin forwarded message:

**From:** Kelly Wright <[kwright@sbtribes.com](mailto:kwright@sbtribes.com)>  
**Date:** March 29, 2016 at 4:56:38 PM MDT  
**To:** Jill Grant <[jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)>, Susan Hanson **Exemption 6** >  
**Cc:** Blaine Edmo <[Bedmo@sbtribes.com](mailto:Bedmo@sbtribes.com)>, Bill Bacon <[bbacon@sbtribes.com](mailto:bbacon@sbtribes.com)>, Tony Galloway <[tgalloway@sbtribes.com](mailto:tgalloway@sbtribes.com)>, "Ladd R. Edmo" <[lredmo@sbtribes.com](mailto:lredmo@sbtribes.com)>, Casper Appenay <[cappenay@sbtribes.com](mailto:cappenay@sbtribes.com)>, Arnold Appeney <[aappeney@sbtribes.com](mailto:aappeney@sbtribes.com)>, FHBC <[FHBC@sbtribes.com](mailto:FHBC@sbtribes.com)>, Angelo Gonzales <[agonzales@sbtribes.com](mailto:agonzales@sbtribes.com)>, EWMP <[EWMP@sbtribes.com](mailto:EWMP@sbtribes.com)>, Wes Jones <[wjones@sbtribes.com](mailto:wjones@sbtribes.com)>  
**Subject: RE: Hazardous Waste Shipment**

Actually I called back and left a voice message so, I waiting on him. Also got a call the Emergency Response Coordinator at EPA wanting to know more about this shipment at FMC. He had a call from the Sargent at the ISP asking him what can they do.

I have asked FMC to provide but also included Jonathan on it. He should be aware.

---

**From:** Jill Grant [<mailto:jgrant@jillgrantlaw.com>]  
**Sent:** Tuesday, March 29, 2016 4:28 PM  
**To:** Susan Hanson **Exemption 6** >  
**Cc:** Kelly Wright <[kwright@sbtribes.com](mailto:kwright@sbtribes.com)>; Blaine Edmo <[Bedmo@sbtribes.com](mailto:Bedmo@sbtribes.com)>; Bill Bacon <[bbacon@sbtribes.com](mailto:bbacon@sbtribes.com)>; Tony Galloway <[tgalloway@sbtribes.com](mailto:tgalloway@sbtribes.com)>; Ladd R. Edmo <[lredmo@sbtribes.com](mailto:lredmo@sbtribes.com)>; Casper Appenay <[cappenay@sbtribes.com](mailto:cappenay@sbtribes.com)>; Arnold Appeney <[aappeney@sbtribes.com](mailto:aappeney@sbtribes.com)>; FHBC <[FHBC@sbtribes.com](mailto:FHBC@sbtribes.com)>; Angelo Gonzales <[agonzales@sbtribes.com](mailto:agonzales@sbtribes.com)>; EWMP <[EWMP@sbtribes.com](mailto:EWMP@sbtribes.com)>; Wes Jones <[wjones@sbtribes.com](mailto:wjones@sbtribes.com)>  
**Subject:** RE: Hazardous Waste Shipment

I doubt that FMC will give you the manifests, but I think if EPA requests them they'll give them to EPA. Kelly should call Jonathan Williams and ask him to request the manifests from FMC. According to Andy Boyd, Jonathan Williams is waiting for Kelly to call him.

---

**From:** Susan Hanson [Exemption 6]

**Sent:** Tuesday, March 29, 2016 6:24 PM

**To:** Jill Grant <[jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)>

**Cc:** Kelly Wright <[kwright@sbtribes.com](mailto:kwright@sbtribes.com)>; Blaine Edmo <[Bedmo@sbtribes.com](mailto:Bedmo@sbtribes.com)>; Bill Bacon <[bbacon@sbtribes.com](mailto:bbacon@sbtribes.com)>; Tony Galloway <[tgalloway@sbtribes.com](mailto:tgalloway@sbtribes.com)>; Ladd R. Edmo <[redmo@sbtribes.com](mailto:redmo@sbtribes.com)>; Casper Appenay <[cappenay@sbtribes.com](mailto:cappenay@sbtribes.com)>; Arnold Appeney <[aappeney@sbtribes.com](mailto:aappeney@sbtribes.com)>; FHBC <[FHBC@sbtribes.com](mailto:FHBC@sbtribes.com)>; Angelo Gonzales <[agonzales@sbtribes.com](mailto:agonzales@sbtribes.com)>; EWMP ([EWMP@sbtribes.com](mailto:EWMP@sbtribes.com)) <[EWMP@sbtribes.com](mailto:EWMP@sbtribes.com)>; Wes Jones <[wjones@sbtribes.com](mailto:wjones@sbtribes.com)>

**Subject:** Re: Hazardous Waste Shipment

The information was requested from Jonathan Williams on March 17, 2016. It was also requested from Marguerite Carpenter, FMC this morning, as you were copied on this request.

Susan Hanson

On Mar 29, 2016, at 4:19 PM, Jill Grant <[jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)> wrote:

Kelly,

The drums are being shipped pursuant to a 2014 Work Plan for closing the Training Center Vault, which I just reviewed. I think these drums must contain the solids from the first stage of the vault, which are being treated as hazardous waste because they are presumed to contain P4. They are being shipped to a facility in Liverpool, Ohio for incineration because they contain reactive hazardous waste. This will provide adequate safety for the transportation, which is good, but does not provide you with all the information I think you want regarding the nature of the waste (other than that it contains P4).

The characterization information you want cannot be required under RCRA (because of the process knowledge exemption you mentioned to me and also because of the reasons noted in item 2 below), but I think you could get more information on these solids anyway, as follows:

1. I talked to Andy Boyd, who told me that Jonathan Williams can request the RCRA manifests from FMC, so you should ask Jonathan to request them. (Manifests are stored on site, and Jonathan Williams can request them because the work is being done as part of the CERCLA activities at the site.) The manifests may identify the type of hazardous waste in more detail.
2. Even if the manifests do not provide the specificity you want regarding the type of hazardous waste (e.g, they could say it contains P4 without providing the precise amount, or they could say the waste is ignitable and reactive but these are just narrative standards), the manifests also should provide documentation for the LDRs. That documentation may provide you the further information you want characterizing the waste.
3. In addition, the facility in Ohio where the waste is being shipped will have to do testing for the LDRs when it receives the waste, and that will provide you with more information. You can ask Jonathan Williams to request that information also (per Andy Boyd).
4. Finally, the 2014 Work Plan requires FMC to submit a report documenting all work done under the Work Plan. You can ask Jonathan Williams for a copy of this report.

According to the Work Plan, the rest of the waste from the

vault will be sampled and the samples will be collected for a waste determination analysis, which I think will provide you with the information you want regarding the nature of the remaining wastes. Specifically, this includes the following wastes: the remaining water in the TC vault (both first and second stages of the vault); the solids in the second stage of the vault; the vault wash-water; wastewater from cleaning the pipes; and any solids collected when cleaning the pipes. If any of this waste is determined to be hazardous waste it will be shipped to Grand View, ID (the liquids) or a licensed hazardous waste incinerator such as the one in Ohio (the solids).

IDEQ does not have authority for RCRA for generators within Fort Hall, so that's probably why neither IDEQ or the state police could help you.

Per my discussion with Andy Boyd, Jonathan Williams is waiting for your call – let me know how that goes and if you need me to stay involved.

Jill

Jill Grant & Associates, LLC  
1319 F Street NW  
Suite 300  
Washington, DC 20004  
Tel: 202-821-1950  
Fax: 202-459-9558  
[jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)  
[www.jillgrantlaw.com](http://www.jillgrantlaw.com)

If this email concerns legal matters, this communication and any attachments are attorney-client privileged and confidential and intended for use only by the individual or

entity named above as the intended recipient. If you are not the intended recipient, reading, distributing, or copying this communication is prohibited. If you have received this communication in error, please immediately notify the sender at [jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com) and delete this email and any attachments. Thank you.

---

**From:** Kelly Wright [mailto:[kwright@sbtribes.com](mailto:kwright@sbtribes.com)]  
**Sent:** Tuesday, March 29, 2016 3:19 PM  
**To:** Blaine Edmo <[Bedmo@sbtribes.com](mailto:Bedmo@sbtribes.com)>; Bill Bacon <[bbacon@sbtribes.com](mailto:bbacon@sbtribes.com)>; Jill Grant <[jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)>  
**Cc:** Tony Galloway <[tgalloway@sbtribes.com](mailto:tgalloway@sbtribes.com)>; Ladd R. Edmo <[lredmo@sbtribes.com](mailto:lredmo@sbtribes.com)>; Casper Appenay <[cappenay@sbtribes.com](mailto:cappenay@sbtribes.com)>; Arnold Appeney <[aappeney@sbtribes.com](mailto:aappeney@sbtribes.com)>; FHBC <[FHBC@sbtribes.com](mailto:FHBC@sbtribes.com)>; Angelo Gonzales <[agonzales@sbtribes.com](mailto:agonzales@sbtribes.com)>; EWMP <[EWMP@sbtribes.com](mailto:EWMP@sbtribes.com)>; Wes Jones <[wjones@sbtribes.com](mailto:wjones@sbtribes.com)>; Bill Bacon <[bbacon@sbtribes.com](mailto:bbacon@sbtribes.com)>; Jill Grant <[jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)>  
**Subject:** RE: Hazardous Waste Shipment

Thanks for the information. I have already talked with IDEQ and the Idaho State Police who is investigating it. They are claiming "Process Knowledge" on material placed into this vault which contained both hazardous and nonhazardous waste. From my experience with shipping, process knowledge would not be recommended on this nor allowed.

I talked with Tony and he recommended that I contact DOT who referred me to the ISP. I then called to see if IDEQ had any data but they did not so I told them that this was being shipped and illegal.

I'll keep you posted if we hear anything.

Thanks

Kelly

---

**From:** Blaine Edmo  
**Sent:** Tuesday, March 29, 2016 11:29 AM  
**To:** Kelly Wright <[kwright@sbtribes.com](mailto:kwright@sbtribes.com)>  
**Cc:** Tony Galloway <[tgalloway@sbtribes.com](mailto:tgalloway@sbtribes.com)>; Ladd R. Edmo <[lredmo@sbtribes.com](mailto:lredmo@sbtribes.com)>; Casper Appenay <[cappenay@sbtribes.com](mailto:cappenay@sbtribes.com)>; Arnold Appeney <[aappeney@sbtribes.com](mailto:aappeney@sbtribes.com)>; FHBC <[FHBC@sbtribes.com](mailto:FHBC@sbtribes.com)>; Angelo Gonzales <[agonzales@sbtribes.com](mailto:agonzales@sbtribes.com)>;

EWMP <[EWMP@sbtribes.com](mailto:EWMP@sbtribes.com)>; Wes Jones <[wjones@sbtribes.com](mailto:wjones@sbtribes.com)>; Bill Bacon <[bbacon@sbtribes.com](mailto:bbacon@sbtribes.com)>; Jill E. Grant <[jgrant@jillgrantlaw.com](mailto:jgrant@jillgrantlaw.com)>

**Subject:** Re: Hazardous Waste Shipment

Why can't we ask the EPA and IDEQ to stop shipment until they have safety plan and full disclosure of contents. This is totally unsafe for General Public. Could be other toxic materials in shipment!! Give them one day to respond or sooner!! BE

Get our attorneys on it and rattle their cages at EPA and IDEQ and FMC!!

Sent from my iPhone

On Mar 29, 2016, at 10:43 AM, Kelly Wright <[kwright@sbtribes.com](mailto:kwright@sbtribes.com)> wrote:

Just to let you know that the Program contacted the Department of Transportation regarding a hazardous waste shipment from FMC going to Ohio. The material was collected from a vault used for their old sewer for the laboratory. To date, we have not been provided with any analytical data showing what chemicals are involved. We know that elemental phosphorus was present in several of the drums because they were venting them into the environment. Tribes pointed this out to EPA that these bungs needed to be on them at all times. According to the FMC contractor, they needed to be vented to prevent them from bulging the drums.

DOT told me to call ISP and have them look into it. I talked to a Sargent who wasn't sure how to go about this but he took my name and number and was going to get something done because the highways, general public and especially first responders need to be well aware.

I talked with IDEQ to see if EPA had provided them a copy of the results but they were not provided any information either. I asked EPA again this morning but have yet seen anything regarding these 78 drums.

Will keep you posted as we move forward.

Thanks

Kelly C. Wright  
EWMP Manager

Shoshone Bannock Tribes  
P.O. Box 306  
Fort Hall, ID 83203

Tele: 208.236.1049  
Cell: 208.221.0239